

**State of Kansas
Department of Health and Environment**

Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment, Division of Health, Bureau of Public Health Informatics, will conduct a public hearing at 10 a.m. Monday, April 16, in Room 530, Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the adoption of new regulations K.A.R. 28-56-1, 28-56-2, 28-56-3, 28-56-4, 28-56-5, 28-56-6, 28-56-7, 28-26-8, 28-56-9 and 28-56-10, pertaining to the reporting of abortions.

A summary of the proposed regulations and the estimated economic impact follows:

Summary of Regulations:

28-56-1. Definitions. Defines terms used in these regulations.

28-56-2. General requirements for abortion reports. Specifies the information to be reported on every abortion report submitted to the department; requires reports within 15 days of abortion; requires confidential code number; requires provider to have copy of reporting requirements; requires electronic reporting for certain reports.

28-56-3. Reporting requirements for abortions performed at clinical estimate of gestation of at least 22 weeks. Establishes additional reporting requirements for abortions performed at 22 weeks or greater gestation; requires specific responses to clinical issues; requires medical codes be submitted with the information.

28-56-4. Reporting requirements for partial birth abortions. Establishes additional reporting requirements for partial birth abortions; requires specific responses to clinical issues; requires medical codes be submitted with the information.

28-56-5. Requirements for reporting failed abortions. Requires filing of a failed abortion report if abortion attempt results in a live birth; requires submission of live birth certificate as well.

28-56-6. Reporting requirements for abortions performed on minors in the case of a medical emergency. Requires physicians to report additional information about abortions performed on minors in case of medical emergencies.

28-56-7. Physician's report of number of certifications received. Requires physicians to file a monthly report on number of informed consent certifications received prior to performing an abortion; specifies information to be provided.

28-56-8. Late term affidavits. Requires physicians performing and referring late-term abortions to sign separate affidavits attesting the physicians are not legally or financially affiliated.

28-56-9. Correction in an abortion report. Establishes procedures and timeframe for correcting abortion reports and reports on the number of informed consent certifications received by physicians.

28-56-10. Medical information retained on each abortion performed. Establishes the medical information that must be retained on each abortion performed by a provider.

Economic Impact:

Cost to individuals: These proposed regulations are consistent with current abortion records reporting requirements and should not impose any additional or unusual cost on regulated providers or clients. There are no fees assessed to the regulated community. Some additional time may be spent by providers to comply with new record-keeping and reporting requirements. However, although difficult to estimate, that time is likely to be modest.

Cost to the agency: Revisions to forms and abortion reporting software and staff time for training providers will be required. Costs are estimated to be \$34,000 with the bulk of the money expended for the vendor maintaining the vital statistics information system to modify the abortion

reporting system. It is presumed these costs will be absorbed in the current budget. Processing reports submitted to the agency will be accomplished by existing staff.

Costs to other governmental agencies or units: There are no known costs to other agencies.

The time period between publication of this notice and the scheduled hearing serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed new regulations. At any time during the public comment period interested parties may submit written comments to Elizabeth W. Saadi, Ph.D., Deputy Director, BEPHI, and State Registrar, KDHE, 1000 S.W. Jackson, Suite 110, Topeka 66612, by e-mail to lsaadi@kdheks.gov or by fax to (785) 368-7118. During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed new regulations as well as an opportunity to submit their written comments. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit any oral presentation to an appropriate time frame.

Complete copies of the proposed regulations and the corresponding economic impact statement may be obtained on the Bureau of Public Health Informatics website at www.kdheks.gov/ches or by contacting Elizabeth W. Saadi, Ph.D., Deputy Director, BEPHI, and State Registrar, at the address above, phone (785) 296-8627 or fax (785) 368-7118. Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Dr. Saadi.

Robert Moser, M.D.

Secretary of Health and Environment